

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3 and 5-8 are pending in the application, with claims 1, 3, and 8 being the independent claims. Claim 8 is amended herein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

As noted below, the Examiner properly examined claim 8 as being a product claim, accordingly it is believed this after final amendment should be entered because it does not require further search and/or consideration because the Examiner already examined claim 8 as a product claim.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112 and 35 U.S.C. § 101***

Claim 8 is rejected as being a hybrid claim and as being indefinite because it allegedly appears to claim a product and a process. Applicants traverse these rejections because claim 8 is directed to a product and recites a control program for the device to perform a plurality of functions and recites the functions. The recited functions are recitations on the capability of the control program and are not method recitations. Accordingly, claim 8 is not a hybrid claim and is not indefinite. However, Applicants amend claim 8 solely for the purpose of expediting prosecution to recite:

wherein said prescribed control information contains a control program for said prescribed reproduction device to be capable of performing a plurality of functions, the functions comprising:

presenting a prescribed acquisition code corresponding to a random number generated according to a prescribed random function to said viewer and urging said viewer to input a prescribed password associated with said presented prescribed acquisition code in said prescribed password management table,

a function capable of performing authentication of said input prescribed password when said viewer inputs said prescribed password, and

a function capable of reproducing said viewing management target content according to the result of said authentication.

The Examiner properly examined claim 8 as being a product claim, accordingly it is believed this after final amendment should be entered because it does not require further search and/or consideration because the Examiner already examined claim 8 as a product claim.

***Rejections under 35 U.S.C. § 103***

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,799,277 to Colvin ("the Colvin patent") in view of U.S. Patent No. 6,631,359 to Braitberg *et al.* ("the Braitberg patent") and further in view of U.S. Patent No. 5,581,547 to Umeda *et al.* ("the Umeda patent"). Applicants respectfully traverse these rejections as the Examiner has failed to establish a *prima facie* case of obviousness. Specifically, the Umeda patent is nonanalogous art because the Umeda patent is neither in the field of Applicants' endeavor, nor pertinent to the particular problem with which the inventor was concerned. Accordingly, it is not proper to combine the disclosure of the Umeda patent with those of the Colvin patent and the Braitberg patent.

Independent claim 1, is directed to a viewing management method wherein:

the step of presenting the acquisition code occurs each time a content reproduction request is received from the viewer and includes: said prescribed reproduction device generating a random number based on a prescribed random function; and said prescribed reproduction device selecting and presenting an acquisition code corresponding to the generated random number from the password management table.

Independent claim 3 is directed to a viewing management method wherein:

said prescribed reproduction device presents an acquisition code corresponding to a random number generated according to a prescribed random function.

Independent claim 8, as amended herein is directed to a system for reading an information recording medium with a prescribed reproduction device including:

wherein said prescribed control information contains a control program for said prescribed reproduction device to be capable of performing a plurality of functions, the functions comprising: a function capable of presenting a prescribed acquisition code corresponding to a random number generated according to a prescribed random function to said viewer and urging said viewer to input a prescribed password associated with said presented prescribed acquisition code in said prescribed password management table.

None of the Colvin patent, the Braitberg patent or the Umeda patent, either alone or in combination, disclose or suggest the invention claimed in independent claims 1, 3, and 8.

The Colvin patent is directed to a system and method for monitoring software usage. As shown for example in FIG. 14a, the Colvin patent discloses the sequential steps of generating an activation key ( step 652), then creating a random encryption key for each activation key (step 654), and then encrypting a password and random number with the encryption key for each activation key (step 656).

The Braitberg patent is directed to a writeable access medium control using a medium writable area and does not disclose or suggest presenting an acquisition code based on a random number generated by a random function.

The Examiner is correct in recognizing that a combination of the Colvin patent and the Braitberg patent does not disclose selecting and presenting an acquisition code corresponding to the generated random number from a password management table. The Examiner appears to rely on the disclosure of the Umeda patent as suggesting the deficiencies of the Colvin patent and the Braitberg patent. As pointed out by the Examiner in paragraph 23 of the Office Action mailed February 18, 2009, in order for a prior art reference to be relied upon as a basis for rejection of the claimed invention, it must either be in the field of Applicants' endeavor, or reasonably pertinent to the particular problem with which Applicants are concerned. The Umeda patent in combination with the Colvin patent is neither in the field of Applicants' endeavor, nor reasonably pertinent to the particular problem with which Applicants are concerned as shown in the detailed chart below.

|                 | <b>Present Invention</b>   | <b>The Colvin Patent</b>   | <b>The Umeda patent</b>  |
|-----------------|--|--|--|
| Technical Field | The technical field for the present invention is directed to techniques for management of content viewing. See paragraph [0001]. | The technical field for the Colvin patent is directed to techniques for management (e.g. monitoring, testing, distribution, and use) of software. See col. 1, lines 20-26. | The technical field for the Umeda patent is directed to CDMA (code division multiple access) random access communication techniques. See col. 1, lines 6-11. |

|                     | <b>Present Invention</b>  | <b>The Colvin Patent</b>   | <b>The Umeda patent</b>  |
|---------------------|---|--|--|
| Problems of Concern | The present invention is concerned that general DVD players on the market were not able to realize the mechanism or function for performing a more detailed viewing management. Further to incorporate a new scheme for performing viewing management in general DVD players was unrealistic considering the compatability with many of the DVD players on the market and the restrictions of giving utmost concern to the specification. See paragraph [0006]. | Prior art methods for reducing unauthorized use of software imposed a significant burden on authorized users when they purchased and used the software. See col. 2, lines 29-36. | When a plurality of mobile stations uses the same spreading code at the same frequency until the end of communication, signals sent from the mobile stations clash with each other and it is very likely that the received signals overlap in the base station, resulting in a substantial reduction of the through put. Namely, when the spreading code is assigned to the control channel, the number of mobile stations that can be controlled, that is, the control capacity, is small, and when the spreading code is used for packet signal transmissions, the channel capacity is small. See col. 2, line 59 to col. 3, line 2. |

|   | <b>Present Invention</b>  | <b>The Colvin Patent</b>  | <b>The Umeda patent</b>  |
|---|---|---|--|
| Definitions of:<br>"Acquisition code"<br>"Activation key"<br>"Spreading Code" | <p>The "acquisition code" in the present invention is a <u>reference code for acquiring a password in a table.</u></p> <p>The "acquisition code" in the present invention is <u>randomly selected</u> for each reproduction request, in order to solve the problem of the same "acquisition code" <u>being used for different reproduction requests (i.e. at different times), regardless of whether the same code is used by the same user or different users.</u></p> | <p>The "activation key" in the Colvin patent is key information required to be input at the time of installing software, and <u>it is not a reference code for acquiring certain information.</u></p> <p>The "activation key" in the Colvin patent is <u>not determined randomly.</u></p> | <p>The "spreading code" in the Umeda patent is a code sequence by which the original signal is multiplied so as to spread the signal in a wider band, and <u>it is not a reference code for acquiring certain information.</u></p> <p>The "spreading code" in the Umeda patent is randomly selected for each mobile station, or for each message in order to solve the problem of the same "spreading code" <u>being used in different mobile stations at the same time.</u></p> |

As noted above, the present invention is directed to techniques for management of content viewing, whereas the Umeda patent is directed to CDMA communication techniques. Accordingly, the Umeda patent is not directed to the same field of endeavor of the present invention. Further, the present invention is concerned at least with the problem of implementing viewing management on all DVD players and accomplishes this by use of an acquisition code that is used to acquire a password in a table and is randomly generated to prevent the same acquisition code from being used for different reproduction requests (i.e. at different times). On the other hand, the Umeda patent is



concerned with preventing clashing of signals and accomplishes this by use of a spreading code by which a code sequence by which an original signal is multiplied so as to spread the signal, and the spreading code is randomly selected in order to solve the problem of the same spreading code being used in different mobile stations at the same time. Accordingly, the Umeda patent is not reasonably pertinent to the particular problem with which present invention is concerned. Therefore, the Umeda patent is non-analogous art and is improper to combine with disclosure of the Colvin patent and the Braitberg patent.

For at least the reasons noted above, the Examiner has failed to establish a *prima facie* case of obviousness. Independent claims 1, 3, and 8 and dependent claims 2 and 5-7 are patentable over the combination of the Colvin patent, the Braitberg patent, and the Umeda patent. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Reply to Office Action of February 18, 2009

SHIONOYA *et al.*  
Appl. No. 10/533,875

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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